

**COMPLAINT INVESTIGATION SUMMARY**

COMPLAINT NUMBER:	2166.05
COMPLAINT INVESTIGATOR:	Joe Bear
DATE OF COMPLAINT:	August 26, 2004
DATE OF REPORT:	September 20, 2004
REQUEST FOR RECONSIDERATION:	no
DATE OF CLOSURE:	October 22, 2004

**COMPLAINT ISSUES:**

Whether Western Boone County Community School Corporation and Boone-Clinton-North West Hendricks Joint Services violated:

511 IAC 7-27-7(a) by failing to implement the student's individualized education program (IEP) as written, specifically by failing to provide transportation and other supportive services in a manner that complies with the IEP and 511 IAC 7-21-7(a).

**FINDINGS OF FACT:**

1. The Student has been identified as disabled and determined eligible for special education and related services.
2. The Student's individualized education program (IEP) does not require the provision of special transportation or special education services on the school bus. The Student is to ride the regular school bus. The IEP requires the School to provide inservice training to the bus drivers regarding the Student's health needs. (See Compliant Investigation Report #2159.05.) The case conference committee (CCC) has not reconvened since April 23, 2004, when the IEP was developed, and the Student's IEP has not been amended since the last CCC meeting.
3. On August 16, 2004, the School began considering assigning a paraprofessional bus monitor to the Student's bus, to provide assistance to the bus driver in monitoring several students, including the Student. On August 17 and 19, 2004, the School spoke to the Complainants about the plan to add a bus monitor. The Complainants agreed.
4. On August 25, 2004, the bus monitor was seated behind the bus driver. The bus driver directed the Student to sit in one of the first two rows of seats. The Student sat next to the bus monitor.

**CONCLUSION:**

1. Given that Finding of Fact #2 indicates that a bus monitor is not required by the Student's IEP, Findings of Fact #3 and #4 do not indicate that the School provided transportation and other supportive services in a manner that was non-compliant with the Student's IEP or with the Student's right under 511 IAC 7-21-7(a) to be transported with nondisabled students. A bus driver has the authority to require that students sit in certain seats, particularly when the School has some responsibility for monitoring one or more students on the bus. Therefore, no violation of 511 IAC 7-27-7(a) is found.

**The Department of Education, Division of Exceptional Learners, requires no corrective action based on the Findings of Fact and Conclusions listed above.**